THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.18892 of 2006

DATED 18.09.2006

Between

R.Srinivasa Rao.

... PETITIONER

versus

Government of A.P., represented by its
Principal Secretary, Panchayat Raj & Rural
Development, Secretariat,
Hyderabad, and two others. ... RESPONDENTS

WRIT PETITION NO.18892 of 2006

ORDER:

Heard the learned counsel.

2. On 13.9.2006 the learned Assistant Government Pleader for Panchayat Raj had taken notice and requested time to get instructions. The matter is coming up today under the caption of admission.

3. The Writ Petition is filed praying for a Writ of Mandamus declaring the impugned action of the 1st respondent in issuing impugned Memo No.3777/Pts.II/A1/99-25, dated 3.2.2006 vacating the stay granted in favour of the petitioner vide earlier Government Memo No. 3777/Pts.II/A1/99-1, dated 8.2.1999, i.e., after six years without opportunity to the petitioner while the revision petition is pending without considering the grounds raised by the petitioner as highly illegal, arbitrary and violative of Article 14 of the Constitution of India and pass such other suitable orders.

4. The impugned order dated 3.2.2006 reads as hereunder:

> "The direction of the District Collector (PW), East Godavari District is invited to the references cited. He is informed that the orders issued in the reference 3rd cited suspending the orders of the District Collector (PW), East Godavari District in the reference 1st cited are herewith revoked.
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> 2. The District Collector (PW), East Godavari District is requested to take further action for realization of the misappropriated amount as per the provisions of the A.P. Panchayat Raj Act, 1994 and other rules if any".

5. The main grievance of the petitioner is that the order was made

on 8.2.1999 and after a long lapse of time, without giving any opportunity to the petitioner while the revision is pending and without considering any grounds raised by the petitioner whatsoever and without any application of mind, the impugned order was made.

6. In view of the facts and circumstances well explained, this Court is of the considered opinion that vacating the order in such a way after a long of lapse of time without affording opportunity to the petitioner is opposed to the principles of natural justice and in view of the same, the impugned order is hereby set aside and the matter is remitted to the 1st respondent to put the petitioner on notice and afford him the opportunity and thereafter pass appropriate orders in relation thereto.

7. The Writ Petition is allowed accordingly to the extent indicated above. No costs.

18.09.2006

SSR

Issue order copy in two days.

(BO)